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7 Attorney for Joshua Lee Parkhurst

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Respondent/Plaintiff,

12 v.

13 JOSHUA LEE PARKHURST,
14 Petitioner/Defendant.

Case No. 2:14-cr-00164-GMN-CWH

**STIPULATION TO EXTEND THE
REPLY DEADLINE**

(Second Request)

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
17 United States Attorney, and Nancy Olson, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and
19 Nisha Brooks-Whittington, Assistant Federal Public Defender, counsel for
20 Joshua Lee Parkhurst ("Mr. Parkhurst"), submit the following Stipulation to extend the
21 due date for defendant's Reply to Government's Response in Opposition to Motion to Vacate,
22 Set Aside, or Correct Criminal Convictions and Sentence Pursuant to 28 U.S.C. § 2255 to
23 January 20, 2017

24 This Stipulation is entered into for the following reasons:

25 1. On August 17, 2016, Mr. Parkhurst filed a Motion to Vacate under 28 U.S.C.
26 § 2255 ("Motion to Vacate"). ECF No. 44. On November 1, 2016, this Court ordered the

1 government to file a response to the Motion to Vacate by November 15, 2016. ECF No. 62.
 2 On November 15, 2016, the government filed its Opposition to Mr. Parkhurst's Motion to
 3 Vacate ("Opposition"). ECF No. 66.

4 2. After the government filed its Opposition, a Notice of Electronic Filing provided
 5 a Reply deadline of November 21, 2016. *See* ECF No. 66. However, pursuant to Rule 5 of the
 6 Rules Governing Section 2255 Proceedings, "[t]he movant may submit a reply to the
 7 respondent's answer or other pleading within a time fixed by the judge," and as a result the
 8 parties filed a stipulation requesting the court extend the deadline for filing a Reply to the
 9 government's Opposition to December 21, 2017. ECF No. 67. This Court granted the
 10 stipulation on November 22, 2016, and ordered that Mr. Parkhurst file his Reply by
 11 December 21, 2016. ECF No. 68.

12 3. Since the court granted the stipulation (ECF No. 68), undersigned counsel for
 13 Mr. Parkhurst has been researching, preparing, and filing supplemental Motions to Vacate and
 14 replies related to *Johnson v. United States*, 135 S. Ct. 2551 (2015) in over 100 other cases.
 15 Consequently, counsel for Mr. Parkhurst requests additional time to review, research, and
 16 prepare Mr. Parkhurst's Reply to the government's Opposition. For that reason, the parties
 17 agree to a thirty (30) day continuance from December 21, 2016, to January 20, 2017 for
 18 Mr. Parkhurst to file his Reply.

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 20 DATED this 19th day of December, 2016.

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 22 RENE L. VALLADARES
 23 Federal Public Defender

DANIEL G. BOGDEN
 United States Attorney

24 */s/ Nisha Brooks-Whittington*
 25 By _____
 26 NISHA BROOKS-WHITTINGTON
 Assistant Federal Public Defender

/s/ Nancy Olson
 By _____
 NANCY OLSON
 Assistant United States Attorney

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2 DISTRICT OF NEVADA

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ORDER

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10 Based on the Stipulation of counsel and good cause appearing,
11 IT IS THEREFORE ORDERED that the Reply deadline is January 20, 2017.
12 DATED this 20 of December, 2016.

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15 UNITED STATES DISTRICT JUDGE
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